

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TROY WILSON,

Plaintiff,

v.

TPK, INC.,

Defendant,

v.

SMG EQUIPMENT, LLC,

Additional Defendant.

CIVIL ACTION

CASE NO. 1:19-cv-00146-MJH

Judge Marilyn J. Horan

JOINT PROPOSED SCHEDULING ORDER

AND NOW, this 10th day of September 2020,

IT IS ORDERED that this action is placed under the Local Patent Rules of this Court for pretrial proceedings and all provisions of these Rules will be strictly enforced.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all scheduling, status, or pretrial conferences to obtain authority to participate in settlement negotiations which may be conducted or ordered by the Court.

IT IS FURTHER ORDERED that compliance with provisions of Local Rule 16 and the Local Patent Rules shall be completed as follows:

(1) SMG will Answer TPK's Third Party Complaint and file counterclaims against Plaintiff and/or TPK by September 11, 2020.

(2) TPK and/or Wilson will Answer SMG's counterclaims by September 28, 2020.

(3) The parties shall serve on all other parties their initial disclosures pursuant to LPR 3.1 by October 2, 2020.

(4) Plaintiff Wilson must serve on all parties a Disclosure of Asserted Claims and Infringement Contentions by October 8, 2020. [LPR 3.2]

(5) The parties have been ordered to proceed to mediation, provided that schedule of the appointed mediator, Arthur Stroyd, permits it by October 12, 2020 [ECF 62].

(6) TPK and SMG must serve on all parties a Disclosure of Non-infringement and/or Invalidity Contentions by October 30, 2020. [LPR 3.4]

(7) Each party will simultaneously exchange Proposed Claim Terms and Phrases for Construction by November 13, 2020. [LPR 4.1(a)];

(8) Each party will simultaneously exchange a preliminary proposed construction of each term or phrase by November 23, 2020. [LPR 4.1(b)]

(9) Wilson will serve its claim construction expert report by November 23, 2020.

(10) TPK and SMG will serve their respective claim construction expert report by December 11, 2020.

(11) The parties shall meet and confer by December 11, 2020 to identify claim terms and phrases that are in dispute, and claim terms and phrases that are not in dispute and prepare and file a Joint Disputed Claim Terms Chart and Prehearing Statement. Each party shall also file with the Joint Disputed Claim Terms Chart and Prehearing Statement an appendix containing a copy of each item of intrinsic evidence cited by the party in the Joint Disputed Claim Terms Chart. [LPR 4.2]

(12) Deadline for claim construction discovery by December 23, 2020.

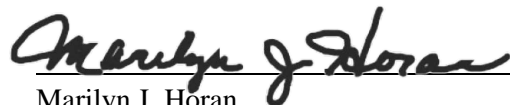
(13) Status conference with the Court on December 16, 2020 at 9:45 a.m. to discuss the logistics, format, and length of the Claim Construction Hearing and to propose a schedule for deadlines post-Claim Construction Hearing pursuant to the Local Patent Rules.

(14) Plaintiff shall file and serve an Opening Claim Construction Brief and an identification of extrinsic evidence by December 31, 2020. [LPR 4.3]

(15) Both TPK and SMG shall file and serve a response to the Opening Claim Construction Brief, an identification of extrinsic evidence and any objections to extrinsic evidence by January 27, 2021. [LPR 4.3]

(16) The opening party may serve and file a Reply directly rebutting the opposing parties' Responses, and any objections to extrinsic evidence by February 10, 2021. [LPR 4.3]

(17) The Court will conduct a hearing on the issue of Claim Construction on February 17, 2021.



Marilyn J. Horan
United States District Judge

cc: All Counsel of Record